

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
CLERK'S MINUTES

FILED

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MAGISTRATE JUDGE MARK A. PIZZO

DATE: April 8, 2003
DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

CASE NO. 8:03-Cr-77-T-30TBM

TIME: 2:00 p.m. - 3:05 p.m.

U.S.A.

G.A.: Walter Furr

v

HATIM FARIZ (Not Present)

D.A.: Donald Horrox, A.F.P.D.

DEPUTY CLERK: J.GORDON

COURT REPORTER: KATHLEEN WALDEN

PROCEEDINGS: Status re: DETENTION of Defendant HATIM FARIZ

Government's argument: At detention hearing government attributed other speaker with Fariz in Overt Acts 236 and 253 to be Awda. Awda was described by government as a designated terrorist. 253 is not Awda, but rather some other PIJ activist. Government cannot say who activist is because information is classified. As a result of this discovery, the government also has doubts about Awda's participation in the conversation in 236, and whether the conversations discussed in 240 and 247 were with Awda. Awda was considered the subject of conversation in 240 and 247 because his nickname was used. All other overt acts involving Awda are legitimate. The difference between the authentication process for 236 and 253 and other overt acts is that Fariz's FISA taps were operated out of the Chicago office rather than Tampa office. The Government asserts the subject matter of 236, 240, 247, and 253 are the same, but they involve another PIJ activist other than Awda.

Don Horrox's (Fariz) argument: Does not waive Fariz's appearance at any subsequent proceeding. Objects to Fariz's detention at Coleman correctional facility rather than a facility closer to the courthouse. Court should discard info in suspect paragraphs. As the Government's case at the detention hearing was based mostly on the indictment, the fact that paragraphs of the indictment are suspect should be given considerable consideration. The Government offered no explanation or other evidence other than that the info is classified. That the person alleged in the overt acts is not Awda, a leader of the PIJ, makes Fariz's conversations more innocent, especially considering the Court has no knowledge of who the person is. Also, counts 35, 43, 41, 3, and 4, as they relate to Fariz, will be more difficult to prove as they either incorporate or are based on the suspect overt acts. The Defendant reasserted his request for bail.

Government's response: The counts called into question by the Defendant are still viable as the amended overt acts would nonetheless involve a PIJ activist, other than Awda, discussing PIJ business.

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